

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Jennifer Turner,

PLAINTIFF

v.

Kilolo Kijakazi, Acting Commissioner of
Social Security Administration,

DEFENDANT

Case No. 5:21-cv-01395-TLW

ORDER

After the Court entered an order, ECF No. 20, remanding this social security matter to the Commissioner for further proceedings, Plaintiff's counsel filed a motion for attorney fees and costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. ECF No. 22. The Commissioner does not oppose the motion. ECF No. 25.

Under the EAJA, a court shall award attorney fees to a prevailing party in certain civil actions against the United States unless the court finds that the government's position was substantially justified or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). An EAJA attorney fees award is payable to the litigant and, therefore, is subject to an offset to satisfy the litigant's pre-existing debt to the Government. *Astrue v. Ratliff*, 560 U.S. 586, 594 (2010).

After careful consideration of the record and the applicable legal authority, Plaintiff's for attorney fees under the EAJA, ECF No. 22, is **GRANTED**. The Commissioner is ordered to award Plaintiff \$5,175.00 for all legal services rendered

on Plaintiff's behalf by counsel in connection with this action, to be offset by the amount of Plaintiff's pre-existing federal debts, if any.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten

Senior United States District Judge

January 31, 2023
Columbia, South Carolina